REMARKS

Claims 1-11 are pending. By this Amendment, independent claim 1 has been amended.

In the Office Action, claims 1-11 are rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter.

By way of this Amendment, claim 1 has been amended such that the recited steps are tied to a "computerized transaction interface system." By way of the system, steps are variously performed by "a client workstation" and a "facilitation server." Support for these amendments can be found at least at figure 1 and page 1, lines 17-31 and page 3, line 35 to page 4, line 11, in the Specification of the present application as filed

Accordingly, applicant submits that the amended claims are directed to patentable subject matter, and withdrawal of the rejections under 35 U.S.C. § 101 is requested.

Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. US 2003/012063 A1 (Gutterman)[1] in view of Official Notice.

Applicant submits that Gutterman, alone, or in combination with Official Notice, does not teach, suggest or make obvious all of the features of amended claim 1 of the present application.

For example, Gutterman does not teach, suggest or make obvious at least

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1 Applicant notes that the reference is erroneously referred to as "Reuter" in the Office Action.

> automatically selecting, by a facilitation server, one of the plurality of exchanges for execution of the client order based on the one or more contracts in the order and based on electronically stored routing rules;
>
> automatically delivering, by the facilitation server, the order to the selected exchange for execution;
>
> if, based on electronically stored routing rules, the selected exchange is the at least one automated exchange, further automatically processing, by the facilitation server, said order to protect a position; and
>
> if, based on electronically stored routing rules, the selected exchange is the at least one non-automated exchange, automatically monitoring, by the facilitation server, said transaction in order to take a further position in the order's contracts, if necessary

(emphasis added).

Thus, claim 1 recites a method whereby "one of the plurality of exchanges" is automatically selected based on the contracts in the order and "based on electronically stored routing rules." If, "based on electronically stored routing rules" an automated exchange is selected, the order is "automatically processed to protect a position," and if "based on electronically stored routing rules," a non-automated exchange is selected, the method includes "automatically monitoring" the transaction to take a further position in the order's contracts.

In contrast, Gutterman describes a broker workstation for managing orders. Separately and distinctly, in the "Background of the Invention" section, Gutterman also

describes, that orders can be filled in "respective pits by open outcry." (Gutterman at column 1, lines 35-37).

Gutterman does not describe a method whereby "one of [a] plurality of exchanges" is automatically selected based on the contracts in the order and "based on electronically stored routing rules." Gutterman merely describes entering and managing orders via a workstation.

Accordingly, applicant submits that Gutterman, either taken alone, or in combination with Official Notice, does not teach, suggest or make obvious each and every element of amended claim 1 of the present application.

Further, Gutterman does not describe a scenario whereby if, "based on electronically stored routing rules" an automated exchange is selected, the order is "automatically processed to protect a position." Again, Gutterman describes the entering and management of orders, not automatically selecting by automatic routing rules.

Accordingly, for this additional reason, applicant submits that Gutterman, either taken alone, or in combination with Official Notice, does not teach, suggest or make obvious each and every element of amended claim 1 of the present application.

Moreover, Gutterman does not describe a scenario whereby if, "based on electronically stored routing rules," a non-automated exchange is selected, the method includes "automatically monitoring" the transaction to take a further position in the order's contracts. Indeed, by describing that orders can be filled in "respective pits by open outcry" separately from the description of the invention of Gutterman, Gutterman actually teaches away from the method recited by claim 1 of the present application.

Accordingly, for this additional reason, applicant submits that Gutterman, either taken alone, or in combination with Official Notice, does not teach, suggest or make obvious each and every element of amended claim 1 of the present application, and applicant submits that claim 1 is patentable over Gutterman, with or without the addition of Official Notice.

Further, each of dependent claims 2-11 ultimately depend from claim 1, and are therefore patentable over, Gutterman and Official Notice, at least the reasons discussed above with respect to claim 1.

Accordingly, applicant requests withdrawal of the rejections to claims 1-11.

Entry of this Amendment and reconsideration and favorable action in this regard is therefore earnestly solicited. Applicant's undersigned attorney may be reached by telephone at (973) 597-2500. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/ James F. Dobrow /
James F. Dobrow
Registration No. 46,666
Attorney for Applicant

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DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068